

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

BSH HOME APPLIANCES
CORPORATION, a Delaware corporation,

Plaintiff,

v.

Case No. 1:12-cv-11590-WGY

THE JULIA CHILD FOUNDATION FOR
GASTRONOMY AND THE CULINARY
ARTS, a Massachusetts charitable trust, and
DOES 1-10, inclusive,

Defendants.

**DEFENDANT JULIA CHILD FOUNDATION’S 12(b)(6) MOTION TO DISMISS
AND, IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION OF DENIAL OF
MOTION TO TRANSFER VENUE TO THE CENTRAL DISTRICT OF CALIFORNIA**

Defendant The Julia Child Foundation for Gastronomy and the Culinary Arts (the “Julia Child Foundation”) hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6) and the Declaratory Judgment Act, 12 U.S.C. §2201, to dismiss Plaintiff’s Complaint in the instant action. In the alternative, the Julia Child Foundation respectfully requests that the Court reconsider its denial of Defendant’s Motion to Transfer Venue to the Central District of California, filed with the Court on September 11, 2012 (Dkt. No. 13).

As grounds for this Motion, the Julia Child Foundation refers the Court to the herewith filed Memorandum of Law in support of this Motion.

DATED: October 4, 2012

Respectfully submitted,

THE JULIA CHILD FOUNDATION
FOR GASTRONOMY AND THE
CULINARY ARTS

By its counsel

/s/ Charles J. Harder

Charles J. Harder (CA State Bar No. 184593)
(admitted *pro hac vice*)
WOLF RIFKIN SHAPIRO
SCHULMAN & RABKIN, LLP
11400 W. Olympic Boulevard, Suite 900
Los Angeles, California 90064
Telephone: (310) 478-4100
Facsimile: (310) 479-1422
Email: CHarder@WRSlawyers.com

/s/ David A. Kluft

Julia Huston (BBO #562160)
David Kluft (BBO# 658970)
Anthony E. Rufo (BBO #675542)
FOLEY HOAG LLP
Seaport West
155 Seaport Boulevard
Boston, Massachusetts 02210-2600
Telephone: (617) 832-1166
Facsimile: (617) 832-7000
Email: JHuston@FoleyHoag.com
DKluft@FoleyHoag.com
ARufo@FoleyHoag.com

LOCAL RULE 7.1(a)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

I hereby certify pursuant to Local Rule 7.1(a)(2) that the moving party has conferred in good faith with opposing counsel on the matter set forth herein.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ Anthony E. Rufo

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